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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,067	08/31/2000	Jorg Pietruszka	915.373	4225

4955 7590 12/31/2003

WARE FRESSOLA VAN DER SLUYS &  
ADOLPHSON, LLP  
BRADFORD GREEN BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER

SWERDLOW, DANIEL

ART UNIT PAPER NUMBER

2644

DATE MAILED: 12/31/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/652,067

Applicant(s)

PIETRUSZKA, JORG

Examiner

Daniel Swerdlow

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

*Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 through 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Turner (US Patent 6,041,229).
4. Regarding Claim 1, Turner discloses a radio telephone (i.e., an **arrangement**) (Fig. 1, reference 2; column 1, lines 54-56) **with** user defined information including user's preferred settings (i.e., **modifiable settings stored as individual values and available as preset values to a user**) (column 1, lines 13-16; column 2, lines 15-16) **stored in a memory** (Fig. 1, reference 23; column 1, lines 10-11) **with a telephone keypad** (Fig. 1, reference 21; column 2, lines 56-60) **and part of the memory used for storing telephone numbers** (column 1, lines 13-14) **and is addressable by the keypad** (column 2, lines 56-60) **with the user's preferred settings stored in the memory** (column 1, lines 10-16).
5. All elements of Claim 2 are comprehended by Claim 1. As such, Claim 2 is rejected for the reasons stated above apropos of Claim 1.

Art Unit: 2644

6. Regarding Claim 3, Turner discloses a data transfer **unit** (Fig. 1, reference 1; column 2, lines 51-60) that correctly reads information including (i.e., **differentiates between**) speed dialing information (i.e., **telephone numbers**) and preferences (i.e., **stored individual values**) (column 1, lines 26-27) from a first radio telephone and transfers the information to a second radio telephone (i.e., **brings up respective settings**).

7. Regarding Claim 4, Turner further discloses the data transfer **unit** determines if the radio telephone is serviceable (i.e., **is an evaluation device**) (column 3, lines 18-25) and stores memory maps of the telephone (i.e., **differentiates speed dialing information and preferences by means of reserved concepts**).

8. Regarding Claim 5, Turner further discloses reading and storing information based on the memory maps of individual telephones (i.e., **determined areas of the memory are reserved for individual values**) (column 4, lines 3-8).

9. Regarding Claim 6, Turner further discloses a second radio telephone (i.e., **another arrangement**) (Fig. 1, reference 3) to which the information (i.e., **individual values**) from the first radio telephone is **transferred** (column 1, lines 54-56).

10. Regarding Claim 7, as stated above, the **arrangement** is a radio telephone (i.e., **for mobile communications**).

11. Claim 8 is essentially similar to Claim 3 and is rejected for the same reasons.

12. Claim 9 is essentially similar to Claim 4 and is rejected for the same reasons.

13. All elements of Claim 10 are comprehended by Claim 6. As such, Claim 10 is rejected for the reasons stated above apropos of Claim 6.

Art Unit: 2644

14. All elements of Claim 11 are comprehended by Claim 7. As such, Claim 11 is rejected for the reasons stated above apropos of Claim 7.

15. All elements of Claim 12 are comprehended by Claim 6. As such, Claim 12 is rejected for the reasons stated above apropos of Claim 10.

16. All elements of Claim 13 are comprehended by Claim 7. As such, Claim 13 is rejected for the reasons stated above apropos of Claim 7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ds

  
**XU MEI**  
**PRIMARY EXAMINER**